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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,648	03/31/2000	Paul G. Skuriat	20558-011	1725

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EXAMINER

SHIH, SALLY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/540,648

Applicant(s)

SKURIAT ET AL.

Examiner

Sally Shih

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This application has been reviewed. Original claims 1-10 are pending. The objections and rejections cited are as stated below:

Oath/Declaration

2. The applicant failed to include a ZIP Code designation for each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. **The mailing or post office address should include the ZIP Code designation.** The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (United States Patent Number 6,247,000 B1) in view of Ibarra (United States Patent Number 6,119,097).

Claim 1: Hawkins et al. teaches trade management processing means for receiving a first communication from a first participant to said trade management process (Abstract, Fig. 2D, 2E, 3 and column 28, lines 20-33) and recording means for recording time information including at

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least one time value representative of a time when said first communication is received by said trade management processing means (Abstract, Fig. 2D, 2E, 3, column 10, lines 4-5 and column 28, lines 20-33). However, Hawkins et al. does not teach performance process means for generating a measure of performance with respect to said first participant as a function of said time. Ibarra teaches performance process means for generating a measure of performance with respect to said first participant as a function of said time (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include performance process means for generating a measure of performance. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading process management. A trade management processing system has to be efficient and reliable. Thus, one of ordinary skill in the art would have been motivated to include a performance evaluation feature to ensure the system is performing at an acceptable level.

Claim 2: Hawkins et al. teaches said trade management processing means receives a plurality of communications from a said first participant to said trade management process (Abstract and column 28, lines 20-33) and said recording means records time information including at least one time value representative of a time when at least two of said plurality of communications is received by said trade management processing means (column 15, lines 15-17). However, Hawkins et al. does not teach said performance processing means generates a measure of performance with respect to said first participant as a function of said time information for said at least two of said plurality of communications received by said trade management processing

means. Ibarra teaches said performance processing means generates a measure of performance with respect to said first participant as a function of said time information for said at least two of said plurality of communications received by said trade management processing means (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include performance processing means generates a measure of performance with respect to said first participant as a function of said time. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading industry. Furthermore, time is an objective standard that can be quantified to measure one's performance.

Claim 3: Hawkins et al. teaches said trade management processing means receives a second communication from a second participant to a second trade management process (Abstract and column 28, lines 34-39) and recording means records time information including at least one time value representative of a time when said second communication is received (column 15, lines 15-17). However, Hawkins et al. does not teach said performance processing means generates a measure of performance of said second participant with respect to said first participant as a function of said time information. Ibarra teaches said performance processing means generates a measure of performance of said second participant with respect to said first participant as a function of said time information (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include performance processing means generates a measure of performance with respect to said second participant as a function

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of said time. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading industry. Furthermore, time is an objective standard that can be quantified to measure one's performance.

Claim 4: Hawkins et al. teaches trade management processing means receives a second communication from a second participant to said trade management process (Abstract and column 28, lines 34-39) and said recording means records time information including at least one time value representative of a time when said second communication is received by said trade management processing means (Abstract, column 10, lines 4-5 and column 15, lines 15-17). However, Hawkins et al. does not teach performance processing means generates a measure of performance of said first participant and a measure of performance of said second participant as a function of said time information. Ibarra teaches performance processing means generates a measure of performance of said first participant and a measure of performance of said second participant as a function of said time information (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include performance processing means generates a measure of performance with respect to said second participant as a function of said time. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading industry. Furthermore, time is an objective standard that can be quantified to measure one's performance.

Claim 5: Hawkins et al. teaches a trade management system coupled to a network and adapted for receiving a first communication from a first participant to said trade management process

(Abstract, Fig. 2D, 2E, 3 and column 28, lines 20-33) and a communication recording system coupled to said trade management system and adapted for recording time information including at least one time value representative of a time when said first communication is received by said trade management system (Abstract and column 10, lines 4-5). However, Hawkins et al. does not teach an information processing system coupled to said trade management system and adapted for generating a measure of performance with respect to said first participant as a function of said time information. Ibarra teaches an information processing system coupled to said trade management system and adapted for generating a measure of performance with respect to said first participant as a function of said time information (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include an information processing system coupled to said trade management system. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading industry. A trade management processing system has to be efficient and reliable. Thus, one of ordinary skill in the art would have been motivated to include a performance evaluation feature to ensure the system is performing at an acceptable level.

Claim 6: Hawkins et al. teaches said communication recording system is adapted for recording time information including at least one time value representative of a time when at least two of said plurality of communications is received by said trade management system (Abstract, column 15, lines 15-17 and column 28, lines 20-33). However, Hawkins et al. does not teach said

information processing system is adapted for generating a measure of performance with respect to said first participant as a function of said time information for said at least two of said plurality of communications received by said trade management system. Ibarra teaches information processing system is adapted for generating a measure of performance with respect to said first participant as a function of said time information for said at least two of said plurality of communications received by said trade management system (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include an information processing system that is adapted for generating a measure of performance. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading industry. Furthermore, time is an objective standard that can be quantified to measure one's performance.

Claim 7: Hawkins et al. teaches trade management system is adapted to receive a second communication from a second participant to a second trade management process (Abstract and column 28, lines 34-39); and said information recording system is adapted for recording time information including at least one time value representative of a time when said second communication is received by said trade management system (Abstract and column 15, lines 15-17). However, Hawkins et al. does not teach an information processing system that is adapted for generating a measure of performance of said second participant with respect to said first participant as a function of said time information. Ibarra teaches an information processing system that is adapted for generating a measure of performance of said second participant with

respect to said first participant as a function of said time information (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include an information processing system that is adapted for generating a measure of performance. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading industry. Furthermore, time is an objective standard that can be quantified to measure one's performance.

Claim 8: Hawkins et al. teaches trade management system is adapted to receive a second communication from a second participant to said trade management process (Abstract and column 28, lines 34-39); and said information recording system is adapted for recording time information including at least one time value representative of a time when said second communication is received by said trade management system (Abstract, column 10, lines 4-5 and column 15, lines 15-17). However, Hawkins et al. does not teach an information processing system that is adapted for generating a measure of performance of said first participant and a measure of performance of said second participant as a function of said time information. Ibarra teaches an information processing system that is adapted for generating a measure of performance of said first participant and a measure of performance of said second participant as a function of said time information (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include an information processing system that is adapted for generating a measure of performance. One of ordinary skill in the art

would have been motivated to do this because time is of the essence in the trading industry. Furthermore, time is an objective standard that can be quantified to measure one's performance.

Claim 9: Hawkins et al. teaches a trade management computer system coupled to an orderer computer system and a broker-dealer computer system (Abstract, Fig. 2D, 2E, 3 and column 28, lines 20-33), said trade management computer system being adapted to receive and store communications including trade-related information from said orderer computer system and said broker-dealer computer system and to store time information including at least one time value representative of a time when at least one of said communications is received from said orderer computer system or said broker-dealer computer system (Abstract and column 10, lines 4-5). However, Hawkins et al. does not teach an information processing system coupled to said trade management computer system and adapted to receive said trade-related information and said time information and for processing said time information to generate at least one value representative of performance with respect to said orderer computer system or said broker-dealer computer system in said trade management process. Ibarra teaches an information processing system coupled to said trade management computer system and adapted to receive said trade-related information and said time information and for processing said time information to generate at least one value representative of performance with respect to said orderer computer system or said broker-dealer computer system in said trade management process (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include an information processing

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system coupled to a trade management computer system. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading industry. A trade management processing system has to be efficient and reliable. Thus, one of ordinary skill in the art would have been motivated to include a performance evaluation feature to ensure the system is performing at an acceptable level.

Claim 10: Hawkins et al. teaches the steps of providing a trade management system adapted for receiving said trade-related communications sent between said participants (Abstract, Fig. 2D, 2E, 3 and column 28, lines 20-33); and receiving a first communication from a first participant to said trade management process; recording time information including at least one time value representative of a time when said first communication is received by said trade management system (Abstract and column 10, lines 4-5). However, Hawkins et al. does not teach the step of generating a measure of performance with respect to said first participant as a function of said time information. Ibarra teaches the step of generating a measure of performance with respect to said first participant as a function of said time information (Abstract and column 11, lines 22-28).

It would have been obvious to one of ordinary skilled in the art at the time of Applicant's invention was made to modify Hawkins et al.'s teaching to include the step of generating a measure of performance. One of ordinary skill in the art would have been motivated to do this because time is of the essence in the trading industry. A trade management processing system has to be efficient and reliable. Thus, one of ordinary skill in the art would have been motivated

to include a performance evaluation feature to ensure the system is performing at an acceptable level.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,297,031, USPN 5,494,317, USPN 6,088,717, USPN 6,141,649, USPN 6310949 B1 and JP411288404A are cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7658 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys
May 18, 2003


HANI M. KAZIMI
PRIMARY EXAMINER